

## COMBINED DECLARATION AND POWER OF ATTORNEY

I, David T. Curiel, hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and joint inventor, together with Jesus Gomez-Navarro and Jialing Xiang, of the subject matter which is claimed and for which a patent is sought on the invention entitled, **Adenoviral Vector Encoding Anti-Apoptotic Bax Gene and Uses Thereof**; the specification of which is attached hereto and which claims benefit of priority under 35 U.S.C. 119(e) of provisional applications USSN 60/101,868, filed September 25, 1998 and USSN 60/097,732, filed September 10, 1998.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Dr. Benjamin Adler, Registration No. 35,423. Address all telephone calls to Dr. Benjamin Adler at telephone number 713/777-2321. Address correspondence to Dr. Benjamin Adler, McGREGOR & ADLER, LLP, 8011 Candle Lane, Houston, TX 77071.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: David T. Curiel

Inventor's Signature: [Signature]

Date: 7/2/01

Residence Address: 824 Linwood Dr., Birmingham, AL 35222

Citizen of: United States of America

Post Office Address: 824 Linwood Dr., Birmingham, AL 35222

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## COMBINED DECLARATION AND POWER OF ATTORNEY

I, Jesus Gomez-Navarro, hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and joint inventor, together with David T. Curiel and Jialing Xiang, of the subject matter which is claimed and for which a patent is sought on the invention entitled, Adenoviral Vector Encoding Anti-Apoptotic Bax Gene and Uses Thereof; the specification of which is attached hereto and which claims benefit of priority under 35 U.S.C. 119(e) of provisional applications USSN 60/101,868, filed September 25, 1998 and USSN 60/097,732, filed September 10, 1998.

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Full Name of Inventor: Jesus Gomez-Navarro

Inventor's Signature: Jesus Gomez-Navarro Date: 7/8/99

Residence Address: 2612 Niazuma Ave., Apt. O, Birmingham, AL 35205

Citizen of: Spain

Post Office Address: 2612 Niazuma Ave., Apt. O, Birmingham, AL 35205

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## COMBINED DECLARATION AND POWER OF ATTORNEY

I, Jialing Xiang, hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and joint inventor, together with David T. Curiel and Jesus Gomez-Navarro, of the subject matter which is claimed and for which a patent is sought on the invention entitled, Adenoviral Vector Encoding Anti-Apoptotic Bax Gene and Uses Thereof; the specification of which is attached hereto and which claims benefit of priority under 35 U.S.C. 119(e) of provisional applications USSN 60/101,868, filed September 25, 1998 and USSN 60/097,732, filed September 10, 1998. *no*

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

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Full Name of Inventor: Jialing Xiang

Inventor's Signature: *Jialing Xiang* Date: 3/8/99

Residence Address: 1825 Arboretum, Apt. E, Birmingham, AL 35216

Citizen of: China

Post Office Address: 1825 Arboretum, Apt. E, Birmingham, AL 35216

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Applicant or Patent Curiel, et al. Attorney's  
Serial or Patent No.: \_\_\_\_\_ Docket No.: 06163  
Filed or Issued: September 9, 1999  
For: Adenoviral Vector Encoding Pro-Apoptotic Bax Gene and Uses Thereof

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official of the nonprofit organization empowered to act on behalf of the concern identified below:

NAME OF ORGANIZATION University of Alabama at Birmingham Research Foundation  
ADDRESS OF CONCERN 701 20th Street South, Birmingham, AL 35294-0011  
☒ X University or other institution of higher education

I hereby declare that the above identified nonprofit organization qualifies as a nonprofit organization as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above with regard to the invention, entitled as above

\_\_\_\_\_ by inventor(s) as above  
\_\_\_\_\_ described in:

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed  
☐ patent no. \_\_\_\_\_, issued

If the rights held by the above identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David L. Day

TITLE OF PERSON OTHER THAN OWNER Director, UAB Research Foundation

SIGNATURE David L. Day

DATE 9/9/99